

The House Committee on Motor Vehicles offers the following substitute to SB 400:

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for certain drivers of all-terrain vehicles to be licensed drivers; to provide for operators of all-terrain vehicles under the age of 16 to complete a safety course; to provide for supervision of children under the age of 16 operating all-terrain vehicles; to provide for penalties; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by adding a new subsection (c) to Code Section 40-5-21, relating to exemptions from licensing requirements, to read as follows:

"(c) Nothing in this Code section shall be construed to permit the operation of all-terrain vehicles on the public highways of this state, including paved shoulders, on any portion of The Dwight D. Eisenhower System of Interstate and Defense Highways, or on any lands included in the national park service or state park systems, including wildlife refuges, unless the vehicle is being used for law enforcement purposes."

SECTION 2.

Said chapter is further amended by adding a new Code Section 40-5-22.2 immediately following Code Section 40-5-22.1, relating to reinstatement of a license of a child under 16 years of age convicted of driving under the influence of alcohol or drugs, to read as follows:

"40-5-22.2.

(a) No child under the age of ten shall be allowed to operate an all-terrain vehicle on public lands.

(b) Before operating an all-terrain vehicle on public lands, any child under the age of 16 must:

(1) Complete a safety course approved by the Special Vehicle Institute of America; a certificate showing completion of such course shall be in the child's possession at all times when operating an all-terrain vehicle on public lands;

(2) Be supervised by a licensed driver 18 years of age or older; such supervision shall mean the child must be within sight of the adult and at a distance of no more than 300 feet; and

(3) Wear a helmet.

(c) Any child under the age of 16 is prohibited from operating an all-terrain vehicle on any public road or highway, the shoulder of any public road or highway, or the right of way of any public road or highway.

(d) Any person 16 years of age or older must have a valid driver's license to operate an all-terrain vehicle on public lands.

(e) It is prohibited for more than one rider to be on an all-terrain vehicle unless the all-terrain vehicle is designed to carry more than one rider.

(f) Nothing in this chapter shall be construed to permit the operation of all-terrain vehicles on the public highways of this state, including paved shoulders, on any portion of The Dwight D. Eisenhower System of Interstate and Defense Highways, or on any lands included in the national park service or state park systems, including wildlife refuges, unless the vehicle is being used for law enforcement purposes.

(g) Political subdivisions of the state may enact ordinances to further restrict the operation and use of all-terrain vehicles within their jurisdictions.

(h)(1) A first conviction of violating any of the provisions of this Code section shall be punishable by a fine of \$75.00.

(2) A second conviction of violating any of the provisions of this Code section shall be punishable by impoundment of the all-terrain vehicle, a fine of \$250.00, or both.

(3) A third conviction of violating any of the provisions of this Code section shall be punishable by forfeiture of the all-terrain vehicle, a fine of \$500.00, or both."

SECTION 3.

This Act shall become effective on July 1, 2006, and shall apply to offenses committed on or after that date.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.